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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,973	03/23/2001	Anthony Frank Menninger	41556/04097 (RS11P058)	7643

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EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,973

Applicant(s)

MENNINGER ET AL.

Examiner

Christopher R Buchanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed March 23, 2001 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed March 23, 2001 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.
3. The information disclosure statement filed March 23, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, and 13 recite in section (e) that an alert is generated if it is determined that the order confirmation is not from the distributors. It is unclear whether this means that an alert is generated if no confirmation is received or that an alert is generated if a confirmation is received from someone other than the distributors. It is assumed to mean the former, since it is unlikely that anyone other than the distributor would send an order confirmation.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. alone.

With regard to claim 1, Sharp discloses a method for order confirmation in a supply chain management framework that includes collecting sales data from a plurality of locations in a supply chain using a network (col. 3 line 29+, col. 3 line 45+, see Fig. 1), allowing access to the data using a network-based interface (col. 4 line 33+, see Fig. 2), generating an electronic order form for ordering goods from a plurality of distributors

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(col. 3 line 7+), and providing confirmation of receipt of the electronic order form by the distributor (col. 4 line 8+, see Fig. 3). It is not explicitly stated that the electronic order form requests a confirmation of receipt to be sent to the sender, however, it is an automated (inherent and well-known) aspect of the process that a confirmation message is sent upon receipt of the order form. Also, it is not explicitly stated that an alert is generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. Since sending confirmations is standard practice, the sender would naturally be alarmed (alerted) when no confirmation is received, and it would be redundant to send a message (alert) to the sender noting that a confirmation was not sent as the sender is already aware of this. Furthermore, it is noted that alerts are sent to customers and distributors (col. 4 line 4, col. 4 line 52, 369 Fig. 3) under certain circumstances, and it would be obvious to one skilled in the art that an alert could be generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. With regard to claims 2-4, the confirmations, alerts, and other communications are sent using a network, which could be the Internet (col. 2 line 57+). With regard to claims 5 and 6, the alerts and other communications could be an e-mail message (col. 5 line 7, common practice in the art) and could be displayed on a network-based interface.

8. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. alone.

With regard to claim 7, Sharp discloses a system for order confirmation in a supply chain management framework that includes logic for collecting sales data from a plurality of locations in a supply chain using a network (col. 3 line 29+, col. 3 line 45+, see Fig. 1), allowing access to the data using a network-based interface (col. 4 line 33+, see Fig. 2), generating an electronic order form for ordering goods from a plurality of distributors (col. 3 line 7+), and providing confirmation of receipt of the electronic order form by the distributor (col. 4 line 8+, see Fig. 3). It is not explicitly stated that the electronic order form requests a confirmation of receipt to be sent to the sender, however, it is an automated (inherent and well-known) aspect of the process that a confirmation message is sent upon receipt of the order form. Also, it is not explicitly stated that an alert is generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. Since sending confirmations is standard practice, the sender would naturally be alarmed (alerted) when no confirmation is received, and it would be redundant to send a message (alert) to the sender noting that a confirmation was not sent as the sender is already aware of this. Furthermore, it is noted that alerts are sent to customers and distributors (col. 4 line 4, col. 4 line 52, 369 Fig. 3) under certain circumstances, and it would be obvious to one skilled in the art that an alert could be generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. With regard to claims 8-10, the confirmations, alerts, and other communications are sent using a network, which could be the Internet (col. 2 line 57+). With regard to claims 11 and 12, the alerts and other

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communications could be an e-mail message (col. 5 line 7, common practice in the art) and could be displayed on a network-based interface.

9. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. alone.

With regard to claim 13, Sharp discloses a computer program product for order confirmation in a supply chain management framework that includes computer code for collecting sales data from a plurality of locations in a supply chain using a network (col. 3 line 29+, col. 3 line 45+, see Fig. 1), allowing access to the data using a network-based interface (col. 4 line 33+, see Fig. 2), generating an electronic order form for ordering goods from a plurality of distributors (col. 3 line 7+), and providing confirmation of receipt of the electronic order form by the distributor (col. 4 line 8+, see Fig. 3). It is not explicitly stated that the electronic order form requests a confirmation of receipt to be sent to the sender, however, it is an automated (inherent and well-known) aspect of the process that a confirmation message is sent upon receipt of the order form. Also, it is not explicitly stated that an alert is generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. Since sending confirmations is standard practice, the sender would naturally be alarmed (alerted) when no confirmation is received, and it would be redundant to send a message (alert) to the sender noting that a confirmation was not sent as the sender is already aware of this. Furthermore, it is noted that alerts are sent to customers and distributors (col. 4 line 4, col. 4 line 52, 369 Fig. 3) under certain circumstances, and it would be obvious to

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one skilled in the art that an alert could be generated if a confirmation of receipt of the electronic order form from the distributor is not received by the sender. With regard to claims 14-16, the confirmations, alerts, and other communications are sent using a network, which could be the Internet (col. 2 line 57+). With regard to claims 17 and 18, the alerts and other communications could be an e-mail message (col. 5 line 7, common practice in the art) and could be displayed on a network-based interface.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes et al. disclose an electronic procurement system that generates electronic order forms and confirmation messages. Johnson et al. disclose an inventory management system that allows orders to be placed over a network. LoBiondo et al. disclose an inventory tracking system that generates alerts when supplies are low and automatically orders needed supplies using a network. Scroggie et al. disclose a method that sends e-mail alerts to customers over a network regarding product sales. Freeman discloses a supplies ordering system wherein a customer orders products over a network using an electronic order form.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.




If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CRB

Christopher Buchanan  
October 16, 2002

  
Kenneth R. Rice  
Primary Examiner